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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Salvador MEDINA-Cortez** Defendant.	'08 MJ 1440 Magistrate Case No. COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(1)(A)(iv)-Inducing and Encouraging Illegal Alien(s) To Enter the United States

The undersigned complainant being duly sworn states:

COUNT ONE

On or about May 6, 2008, within the Southern District of California, defendant, **Salvador MEDINA-Cortez**, did encourage and induce aliens, namely **Maricela MORENO-Fernandez and Raul REYES-Castro**, with the intent to violate the immigration laws of the United States, to come to, enter and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry and residence in the United States is and will be in violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF May, 2008.

MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Maricela MORENO-Fernandez** and **Raul REYES-Castro** are citizens of a country other than the United States; that said aliens have admitted they are removable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 6, 2008, at approximately 2:30 p.m., a Customs and Border Protection (CBP) Primary Officer at the San Ysidro Port of Entry referred a vehicle and its occupants to secondary inspection based upon a computer-generated referral. The driver was later identified as **Salvador MEDINA-Cortez** (herein referred to as **Defendant**) and the passengers who were later identified as **Maricela MORENO-Fernandez and Raul REYES-Castro** (herein referred to as **Material Witness 1 and Material Witness 2** respectively). During secondary inspection, **Defendant**, a United States Citizen, presented a valid California Driver's License. **Material Witness 1** presented a valid United States Certificate of Naturalization that was not lawfully issued to her. **Material Witness 2** presented a valid United States Passport not lawfully issued to him. **Material Witnesses 1 and 2** were arrested for being imposters to the documents presented.

During a videotaped interview **Defendant**, after being read and waiving his Miranda rights, acknowledged that he was aware that his passengers, **Material Witnesses 1 and 2**, did not possess the proper documentation to enter, pass through or remain in the United States and that it was against the law to drive undocumented aliens into the United States. **Defendant** stated that for being the operator of the vehicle, and for having **Material Witnesses 1 and 2** as passengers, he was to receive $600.00 as payment for successfully crossing the vehicle and **Material Witnesses 1 and 2** into the United States.

During a videotaped interview, **Material Witness 1** stated that she is a Mexican citizen by virtue of birth in Romita, Guanajuato, Mexico with no legal rights to enter, pass through, or remain in the United States. **Material Witness 1** stated she was going to pay a $ 3,000.00 smuggling fee for successful delivery to La Puente, California, where her family currently resides.

During a videotaped interview, **Material Witness 2** stated that he is a Mexican citizen by virtue of birth in Acapulco, Guerrero, Mexico with no legal rights to enter, pass through, or remain in the United States. **Material Witness 2** stated that he paid $50 for the US Passport presented at the San Ysidro Port of Entry and was going to pay a $600.00 smuggling fee for successful delivery to Los Angeles, California.